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La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY
LAW DEPARTMENT

(G.O. Ms. No. 22/2021-LD, Puducherry, dated 11th June 2021)

NOTIFICATION

The Lieutenant-Governor, Puducherry, is pleased to evolve measures to streamline the litigation machinery to defend the cases involving the Government of Puducherry in various Courts, subordinate to High Court in the Union territory of Puducherry, Central Administrative Tribunal, Madras Bench, High Court, Madras and Supreme Court of India, New Delhi and designate the nomenclature of the Law Officers appointed by this Administration as Government Pleader, Public Prosecutor, Additional Government Pleader, Additional Public Prosecutors, Assistant Public Prosecutors,

Special Public Prosecutors to various Courts, subordinate to High Court in the Union territory of Puducherry and also appointment of Government Pleader, Public Prosecutor, Additional Government Pleader, Additional Public Prosecutors, Special Government Pleaders (Service Matters-Writs)/ Central Administrative Tribunal, Madras Bench and Government Advocates before the High Court, Madras and the Supreme Court of India, New Delhi.

2. Now, therefore, the Lieutenant-Governor, Puducherry, in exercise of the powers conferred under Article 239, read with the proviso to Article 309 of the Constitution, has been pleased to order that the series of Government Orders issued at various point of time by this Administration to govern the terms and conditions of appointment of Law Officers and their governance to various Courts, subordinate to High Courts in the Union territory of Puducherry, Central Administrative Tribunal, Madras Bench, High Court of Judicature, Madras and Supreme Court of India, New Delhi, shall stand revised as per the rules, namely, "The Puducherry Law Officers (Appointment and Conditions of Service) Rules, 2021" appended as annexure to this Order. This Order shall come into force on the date of publication in the Official Gazette.

3. This Order is issued with the concurrence of the Finance Department, Puducherry *vide* I.D.No. 3121/FC/FD/F5/A3/2021, dated 01-06-2021.

(By order of the Lieutenant-Governor)

S. KARTHIKEYAN,
Secretary to Government (Law).

GOVERNMENT OF PUDUCHERRY

LAW DEPARTMENT

NOTIFICATION

Pursuant to the Order, dated 16-03-2017 in W.P. No. 18331/2016 of the Hon'ble High Court of Judicature at Madras, the Lieutenant-Governor, Puducherry, hereby makes the following rules, governing the appointment, conditions of service and remuneration payable to the Law Officers of the Union territory of Puducherry, namely:-

1. *Short title, commencement and application.*— (1) These rules may be called the "Puducherry Law Officers (Appointment and Conditions of Service) Rules, 2021".

(2) They shall come into force on the date of publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,-

(1) "Additional Assistant Public Prosecutor" means, an Advocate appointed by the Government to conduct criminal cases for and on behalf of the Government in the Court of Judicial Magistrates.

(2) "Additional Government Pleader" means, an Advocate appointed by the Government to conduct civil cases for and on behalf of the Government in the Subordinate Courts;

(3) "Additional Government Pleader-*cum*-Additional Public Prosecutor" means, an Advocate appointed by the Government to conduct cases for and on behalf of the Government in all civil/criminal cases before the Subordinate Courts;

(4) "Additional Government Pleader for High Court" means, an Advocate appointed by the Government to conduct civil cases for and on behalf of the Government before the High Court;

(5) "Additional Public Prosecutor and Special Public Prosecutor" means, an Advocate appointed by the Government to conduct criminal cases for and on behalf of the Government before the Criminal Courts;

(6) "Additional Public Prosecutor for High Court" means, an Advocate appointed by the Government to assist the Public Prosecutor or to conduct criminal cases for and on behalf of the Government before the High Court;

(7) "Assistant Government Pleader-*cum*-Assistant Public Prosecutor" means, an Advocate appointed by the Government to conduct cases for and on behalf of the Government in all civil and criminal cases before the Subordinate Courts;

(8) "Assistant Government Pleader" means, an Advocate appointed by the Government to conduct cases for and on behalf of the Government in all civil cases before the Subordinate Courts;

(9) "Assistant Public Prosecutor" means, an Advocate appointed under section 25 of the Criminal Procedure Code, 1973 in a District for conducting prosecutions in the Courts of Magistrate;

(10) "Advocate on Record" means, an Advocate on Record of the Supreme Court appointed by the Government to appear and argue cases entrusted to him in the Supreme Court by the Government;

(11) "Associate Advocate/Counsel/Standing Counsel/Senior Counsel" means, an Advocate of the Supreme Court appointed by the Government to appear and argue cases entrusted to him in the Supreme Court by the Government or by the Advocate on Record;

(12) "Director of Prosecution" means, the Director of Prosecution for Government of Puducherry appointed by the Government;

(13) "District Magistrate" means, a person appointed as a District Magistrate of a District under section 20 of the Code of Criminal Procedure, 1973;

(14) "Government" means, the Administrator appointed by the President under Article 239 of the Constitution;

(15) "Government Advocate" means, an Advocate appointed by the Government to assist the Government Pleader/Public Prosecutor in conducting the cases on Civil/Criminal matter as the case may be before the High Court or Central Administrative Tribunal or National Green Tribunal for and on behalf of the Government;

(16) "Government Pleader" means, an Advocate appointed by the Government to conduct cases for and on behalf of the Government in District Courts, Sub-Courts, Family Court, and Consumer Courts, *etc.*;

(17) "Government Pleader for High Court" means, an Advocate appointed by the Government to appear and argue cases entrusted to him in the High Court by the Government in case(s) of civil in nature;

(18) "High Court" means, the High Court of Judicature at Madras;

(19) "Law Officers" mean, Advocates engaged under these Rules as Law Officers such as Pleaders, Prosecutors, Special Government Pleader, Additional Government Pleader, Special Public Prosecutors, Additional Public Prosecutor, Assistant Public Prosecutor, Government Advocates, Advocate on Record, Standing Counsel, *etc.*, for the Government of Puducherry to appear before various Courts;

(20) "Public Prosecutor" means, an Advocate appointed under section 24 of the Criminal Procedure Code, 1973 to be a Public Prosecutor or an Additional Public Prosecutor in a District for conducting any prosecution, appeal or other proceedings on behalf of the Government;

(21) "Public Prosecutor for High Court" means, an Advocate appointed by the Government to appear and argue cases entrusted to him in the High Court by the Government in criminal case(s);

(22) "Selection Committee" means, a Committee constituted by the Government under rule 28 of these Rules;

(23) "Senior Advocate/Senior Counsel" means, a designated Senior Advocate in the High Court or an Advocate, who has special knowledge on a specific branch of Law specifically appointed by the Government to conduct any civil or criminal cases or any class of civil/ criminal cases and service matters for and on behalf of the Government of Puducherry in the Central Administrative Tribunal, Madras Bench, High Court, Supreme Court or any other Civil or Criminal Courts in the Courts, subordinate to the High Court;

(24) "Special Government Pleader for Central Administrative Tribunal" means, an Advocate appointed by the Government to appear on behalf of the Government to conduct litigation on service matters before the Central Administrative Tribunal, Madras Bench;

(25) "Special Government Pleader (Services-Writs) for High Court" means, an Advocate appointed by the Government to appear and argue cases on service matters on behalf of the Government before the High Court;

(26) "Special Public Prosecutor" means, Advocate appointed by the Government to appear for and on behalf of the Government in all cases under special enactments before the Subordinate Courts;

(27) "Standing Counsel" means, Advocate(s) appointed by the Government of Puducherry to conduct cases on behalf of Government of Puducherry in various Court(s); and

(28) "Subordinate Court" means, all the Courts, subordinate to High Court, Madras in the Union territory of Puducherry.

3. *Appointment and Terms of Law Officers.*— (1) No person shall be eligible for appointment—

- (i) as a Government Advocate for the High Court or the Central Administrative Tribunal or the National Green Tribunal unless he has been in practice as an Advocate for not less than five years, out of which a minimum of not less than three years in the High Court;
- (ii) as a Government Pleader for the High Court unless he has been in practice as an Advocate for not less than ten years, out of which a minimum of not less than seven years in the High Court;
- (iii) as a Special Government Pleader(Services-Writs) for the High Court or Special Government Pleader for Central Administrative Tribunal unless he has been in practice as an Advocate for not less than ten years, out of which a minimum of not less than seven years in the High Court;
- (iv) as an Additional Government Pleader for the High Court unless he has been in practice as an Advocate for not less than seven years, out of which a minimum of not less than five years in the High Court;
- (v) as a Public Prosecutor for the High Court/Additional Public Prosecutor for the High Court unless he has been in practice as an Advocate for not less than ten years, out of which a minimum of not less than seven years in the High Court; and
- (vi) as a Government Pleader/Public Prosecutor/Additional Government Pleader/Additional Public Prosecutor/ Assistant Government Pleader-*cum*-Assistant Public Prosecutor/Additional Government Pleader-*cum*-Additional Public Prosecutor/Assistant Public Prosecutor/ Additional Assistant Public Prosecutor/Special Public Prosecutors in various Courts, subordinate to High Court in the Union territory of Puducherry unless they fulfill the criteria in the rule 26.

(2) In case of Pleaders/Prosecutors defined under rule 2 in so far as it relates to the Courts, subordinate to the High Court, the Law Department, whenever required by the Government, invite applications through the Chief Judge, Puducherry, from eligible practicing Advocates of the place and on receipt of the same, the Chief Judge, Puducherry shall forward them to the Law Department, appending his remarks regarding his suitability of each of them for the concerned post and thereafter, the Government shall make the appointments having regard to the remarks of Chief Judge, Puducherry.

(3) In case of Public Prosecutors, Additional Public Prosecutors for the High Court, Madras, shall be appointed after consultation with the High Court and for appointment of Public Prosecutors, Additional Public Prosecutors for Subordinate Courts, the procedure laid under section 24 of the Criminal Procedure Code, 1973, shall be followed and for the appointment of Assistant Public Prosecutors the procedure laid under section 25 of Criminal Procedure Code shall be followed.

(4) All Law Officers shall be appointed by the Government, since the appointment is in the nature of engagement and they shall hold office during the pleasure of the Government.

(5) Subject to the other provisions contained in these rules, unless otherwise ordered in the appointment order, a person appointed as a Law Officer shall hold office at a time, for a term not exceeding three years, but, the Government shall not be precluded to consider his appointment before the close of the period:

Provided that notwithstanding the expiry of the term, a Law Officer shall continue in the office, unless otherwise ordered, until fresh appointment is made or for a period of twelve months, whichever is earlier.

(6) The service of a Law Officer so appointed shall be liable to be dispensed with at any time, if, he is guilty of any act or conduct which, in the opinion of the Government is contrary to these rules or incompatible with his duties as such Law Officer, decision of the Government in such cases, shall be final.

(7) Save as otherwise provided in sub-rule (4) and subject to the provisions of sub-rule (6), the Government may terminate/disengage the appointment of a Law Officer at any time without assigning any reason, as the appointment is only an engagement by the Government.

(8) A Law Officer may resign his office by giving one month's notice in writing to the Government and the Law Officer intending to resign the Office shall be fully responsible for the conduct of the Government litigation during the period of notice and up to the date of his handing over charge of the Office.

(9) The Law Officer shall be legally accountable for his conduct, if, the same has resulted in loss to the Government or prejudicial or detrimental to the interest of the Government.

4. *The Law Officers to be under the Administrative control of the Law Department.*— (1) The Law Officers shall be under the administrative control of the Law Department. All references to Government in respect of matters relating to the Law Officers shall be addressed to the Secretary to Government (Law), Government of Puducherry.

5. *Head of Office and allotment of work in the High Court, Madras, etc.*— The Government Pleader/Public Prosecutor/Special Government Pleaders shall be the Head of Office for their respective office and the work shall be allotted by them to the other Law Officers as detailed below:-

(i) The Government Pleader/Public Prosecutor shall be the Administrative Head of their respective Office at High Court, Madras and the Administrative control and work shall vest with them;

(ii) The Government Pleader shall be the authority to allot work to the Additional Government Pleaders and Government Advocates, relating to Writs, Writ Appeals, civil cases like First Appeals, CMAs, CRPs, Tax cases and all cases of civil in nature;

(iii) The Public Prosecutor shall allot work to the Additional Public Prosecutors and Government Advocates in all criminal cases;

(iv) During the temporary absence of the Government Pleader, the Public Prosecutor shall be in charge of the said Office and vice-versa;

(v) The Special Government Pleader (Service) High Court, shall be in-charge of the service matters before the High Court, relating to the Government service matters arising out of the orders passed by the Central Administrative Tribunal, Madras Bench;

(vi) The Special Government Pleader, Central Administrative Tribunal shall be in-charge of the matters in the Tribunal, including allotment of work to the other Law Officers under him;

(vii) Since the allotment of work to the Law Officers is the discretion of the Government Pleader for civil cases and Public Prosecutor for Criminal cases and Special Government Pleader for Service Matter, other Law Officers shall have no right for allotment of a particular case to him or her;

(viii) It will be open to the Government Pleader/the Public Prosecutor/the Special Government Pleader to take back the matter from the concerned Law Officer under him and allot the work to another Law Officer under him or to conduct the matter himself;

(ix) Notwithstanding anything contained in the aforesaid sub-rule (i) to (viii), the Law Secretary will be competent to assign any case to any Law Officer;

(x) The Law Officers shall report the outcome of the cases entrusted to them after the work is over, to the Government Pleader/ Public Prosecutor/ Special Government Pleader and make an entry in the records kept for such purpose;

(xi) The Local Bodies, Government Corporations, Societies controlled by the Government, Quasi Governmental Departments, *etc.*, shall engage the Law Officer to conduct cases in High Court and Tribunals, so as to avoid conflict of interest and to take a common defence with Government in litigations and in case any of the Government Agency intends to engage a Private Counsel, prior permission shall be taken from the Law Department in consultation with the Chief Secretary to the Government of Puducherry;

(xii) All the correspondence and communications and instructions shall be sent to the Government Pleader for civil and related matters; and to the Public Prosecutor, in respect of criminal matters; and to the Special Government Pleader in respect of service matters;

(xiii) The Government Pleader/Public Prosecutor/Special Government Pleader for Central Administrative Tribunal, Madras Bench/ Special Government Pleader (Service) shall be the Officer to contact the concerned Departments for instructions;

(xiv) The pleadings shall be checked by the Government Pleader/Public Prosecutor/Special Government Pleader before filing in Court.

(xv) The Government Pleader/Public Prosecutor/Special Government Pleader shall report the communications, telephone messages, faxes received from the respective Departments promptly;

(xvi) The worksheet with regard to filing of counter affidavits, appeals, applications, petition for interim orders and appeals shall be notified by the Government Pleader/Public Prosecutor/Additional Government Pleader/Additional Public Prosecutor/Special Government Pleader to the Government;

(xvii) There shall be a review meeting by the Law Secretary once in 3 months to review the status of cases and other matters of importance;

(xviii) The respective Departments shall clear all the bills sent with the order copies by the Government Pleaders Office as early as possible.

(xix) The Departments shall pay the filing expenses to the Government Pleader/Public Prosecutor, Special Government Pleader as may be fixed by him; however, with reasonableness;

(xx) The staff designated by the Government Pleader/Public Prosecutor will be in-charge of all clerical works connected to filing, numbering, taking returns, and receiving order copies from the Registry. The order copies received shall be placed before the Government Pleader/Public Prosecutor for proper despatch to the concerned Department with legal opinion, if required, and none else, other than the designated staff, shall meddle with the above works or endeavour to obtain or dispatch the documents;

(xxi) All the Order/Judgment copies and communications or correspondences shall be under the name and seal of the Government Pleader/Public Prosecutor as the case may be;

(xxii) All communications from the Office of the Government Pleader and Public Prosecutor shall be sent by and through the Government Pleader/Public Prosecutor, as the case may be, and no Officer, including other Law Officers and staff shall send any such communication on their own to any Department;

(xxiii) The Departments shall provide information, status, instructions immediately on receipt of information and shall alert the Government Pleader/Public Prosecutor/Special Public Prosecutor of matters of importance relating to policies, sensitive and serious matters, which may subvert the smooth administration, peace and harmony of the Union Territory of Puducherry and more particularly public interest litigations and bail/anticipatory bail matters of litigious/notorious elements and in all such matters, instructions shall be given well in advance, so as to enable the Government Pleader/Public Prosecutor to defend the matter during the time of admission;

(xxiv) The information regarding matters coming up for admission of civil/criminal/service, *etc.*, shall be sent by the Government Pleader/Public Prosecutor to the concerned Department on the previous day evening itself and instructions shall be given before admission. The Government Departments shall also provide sufficient information in respect of Writ/Bail/Anticipatory Bail, admission matters and facilitate filing counter/reply promptly on the appointed day thereby enabling the Law Officers to defend the litigations effectively;

(xxv) The Government Pleader/Public Prosecutor/Special Government Pleader shall maintain separate attendance register for all the Law Officers, in case a Law Officer is absent for more than two days, a report to that effect shall be sent to the Law Department.

(xxvi) The office staff shall submit the leave letter to the Government Pleader, who in turn shall forward it to the Law Department;

(xxvii) The office staff shall send their correspondence to the Government through the Government Pleader;

(xxviii) The Law Officers shall discharge their function in a highly professional and dignified manner without fear or favour. It should be their endeavor to conduct the Government litigation to the best of their ability, to safeguard the interest of the Government in larger public interest;

6. *Uploading of Court Cases.*— Case details/proceedings shall be uploaded in CCMS Web Portal by the concerned Law Officers on daily basis.

7. *Review of the work of Law Officer.*— (1) The work of Law Officer of High Court/Subordinate Court shall be reviewed every 6 months by the Secretary (Law), and for this purpose a report about the work and

ability of the Law Officer shall be sent by the Government Pleader/Public Prosecutor/Special Government Pleader to the Law Department on or before 31st January and 31st July every year.

(2) For the purpose of review of work as above, the views of the Secretaries to the Government and the Director-General of Police/Inspector-General of Police shall also be taken;

(3) The Law Officer shall furnish half yearly report by 15th of January and 15th of July every year regarding opening balance and closing balance of the cases with him.

8. *Appearing, acting or advising against Government prohibited.—*

(1) No Law Officer or his partner, if any, shall hold any brief against the Government, or give advice, appear or act in any case against the Government or give advice to private parties in cases in which he is likely to be called upon to advise the Government or any Government servant. If, a partner of a Law Officer has advised, appeared or acted in any case against the Government it shall be the duty of such Law Officer to bring the fact to the notice of the Government and await instructions from the Government as to whether he shall appear or continue his appearance for the Government. If, a person appointed as a Law Officer has advised, appeared or acted in any case against the Government before his appointment as such Law Officer, he shall stop doing so, as soon as he is appointed as such.

(2) No Law Officer shall either in his private capacity or as a Law Officer gives advice to private parties against the interest of any organization wholly or partly funded and controlled by the Government.

(3) No Law Officer shall act or appear on behalf of a plaintiff in a suit in which the plaintiff has applied for permission to sue in *forma pauperis* until the application for such permission has been decided by the Court.

(4) No Law Officers shall act or appear on behalf of or advice any accused person.

9. *Taking part in politics and elections prohibited.—* (1) No Law Officer shall be a member of, or be otherwise associate with, any political party or organization, nor shall he take part in, subscribe in aid of, or assist in any way, any political movement or activity.

(2) If, any question arises whether any movement or activity falls within the scope of this rules, the decision of the Government shall be the final.

(3) If, a person appointed as Law Officer is a member of any political organization or party before his appointment, he shall resign his membership thereof immediately after his appointment as Law Officer and inform the Government in writing about such resignation.

10. *Not to be member of a local authority without permission.*—

(1) No Law Officer shall contest in election to any local authority without the previous permission of the Government.

(2) If, a person appointed as Law Officer is a member of any local authority at the time of his appointment, he shall resign his membership immediately after his appointment, unless he obtains the permission of the Government for continuing as such member. Permission may be given subject to such conditions as may be specified in the order granting permission.

11. *Not to accept directorship of any Company.*— No Law Officer shall accept any appointment in or continue as a Director of any company without the sanction of the Government.

12. *Not to disclose information.*— No Law Officer appearing on behalf of the Government shall, without the permission of the Government communicate directly or indirectly to any person, any document or information which has come into his possession in the course of his duties, save in so far as it is necessary for the conduct of the case and to safeguard the interest of the Government.

13. *Not to hold any post under the Government.*— No Law Officer shall hold-

(a) any appointment in Government; or

(b) appointment as a legal advisor to any Corporate Body or Local Authority.

14. *Not to accept fee or other remuneration from other persons.*— No Law Officer shall accept any fee or any other remunerations from any person in any case or proceedings in any Court in which he appears or acts on behalf of the Government.

15. *Transfer of Records.*— (1) On the expiry of the terms of office, whether by efflux of time or otherwise, of a Law Officer, he shall prepare a list of cases, references and official correspondence pending with him and hand over all the records to the Law Officer succeeding him.

(2) Until and unless the provisions of sub-rule (1) are complied with, no amount due to a Law Officer shall be paid to him, and if, any loss is caused to Government due to the default of a Law Officer, such Law Officer shall be personally responsible for such loss and it shall be recovered from him.

(3) The Government Pleader/Public Prosecutor/Special Government Pleader shall transfer the case bundles and other documents of the case to the concerned Department after disposal of case if, records are not required for further proceedings.

16. *Declaration with remuneration bills.*— Whenever a Law Officer relinquishes his office due to his resignation, disengagement, termination or expiry of the term of appointment, he shall furnish a declaration along with his remuneration bills to the effect that he has handed over the complete charge of case files, registers, records, materials and furniture, *etc.*, pertaining to the office held by him to his successor. In case a Law Officer fails to furnish such declaration, the Government shall have a right to withhold his remuneration bills/ effect the recovery from him.

17. *Travelling and daily allowance.*— (1) In respect of journeys undertaken by the Law Officers in connection with his official duties he shall be paid travelling and daily allowance at the rates admissible on par with Class I Officer of the Government.

(2) No Travelling Allowance would be allowed for joining as Law Officer.

18. *Leave.*— Causal leave not exceeding eight days in a year may be granted to a Law Officer on the ground of private affairs, illness or any other sufficient cause. The Leave Letter shall be addressed to the Government Pleader/Public Prosecutor/Special Government Pleader who will in turn forward the same to the Law Department, Puducherry.

19. *Law Officers bound by the rules, orders, etc.*— Every Law Officer shall be bound by the provisions of these rules and such other orders or directions of the Government issued from time to time.

20. *To perform duties of other State Government.*— Every Law Officer shall perform on behalf of other State Governments or the Central Government such duties of a legal character as they may be directed to perform by the Law Department.

21. *Advisory duties of Law Officers.*— It shall be the duty of a Law Officer to advise the Government and all officers of the Government, not only in respect of any proceedings, whether civil or criminal, which he has to conduct on behalf of the Government or on behalf of a Government servant, but, also on other legal matters referred to him.

22. *Preferring claims.*— (1) The claims of fee and remuneration under these rules shall be preferred along with a copy of the order/judgment to the respective Department within 90 days from the date of disposal of the respective cases:

Provided that the Government may, for stated the reasons to be in writing by the Law Officer concerned and satisfied, condone the delay.

(2) The respective Departments shall settle all the bills sent with the Order/Judgement copies by the Law Officer.

23. *Advocates on Record.*— (1) The Government may appoint one or more Advocates on Record on behalf of the Government to be in-charge of cases, both civil and criminal, before the Supreme Court.

(2) If, more than one Advocate on Record is appointed, the Government cases before the Supreme Court shall be distributed between them.

(3) The Advocate on Record shall attend to all works connected with the case entrusted to him:

Provided that in important and sensitive cases, he may secure the assistance of any other Senior Advocate with the specific approval of the concerned Secretary of the Department and the Law Department in consultation with the Chief Secretary.

(4) On instruction from the Government in important cases, the Advocate on Record shall take necessary steps to brief/update the case to the Government.

(5) The Advocate on Record shall entrust the case to the arguing panel consisting of Group (A), (B) and (C) of the Government of India.

(6) The cases allotted to the arguing panel shall be communicated to the respective Department and Law Department.

24. *Associate Advocates.*— (1) The Government may also appoint one or more Advocates as Associate Advocate on behalf of the Government in cases before the Supreme Court.

(2) The Associate Advocate shall appear and argue all the matters entrusted to him by the Government or by the Advocate on Record.

(3) The Associate Advocate shall also undertake the drafting work which is necessary and incidental to the progress of matter which is entrusted to him.

(4) On instructions from the Government in important cases the Associate Advocate shall take necessary steps to brief the Advocate on Record for arguing a case on behalf of the Government.

25. *Law Officers for High Court, etc.*— (1) There shall be one Government Pleader, one Public Prosecutor for High Court, Madras and one Special Government Pleader for (Service matters/Writs) and one Special Government Pleader for Central Administrative Tribunal at High Court, Madras Bench. However, the number of Additional Government Pleaders/Additional Public Prosecutors / Government Advocates shall be decided by the Government according to the pendency of litigation.

(2) No Law Officer shall,-

- (i) concede before the High Court for granting of bail to any accused or any question of fact not conceded in the pleadings or any claim against the Government without obtaining previous oral or written permission of an officer of and not below the rank of Director-General of Police/ Inspector-General of Police or Secretary to Government (Law) or the Administrative Secretary of the concerned Department as the case may be:

Provided that oral permission obtained shall be confirmed in writing within three days from the date of obtaining such permission.

- (ii) after disposal of any case or proceedings by the High Court/Central Administrative Tribunal, Madras Bench correspond with the officer of the concerned Department except the Secretary to Government (Law), Puducherry, as to the further action to be taken in connection therewith.

26. *Law Officers for Subordinate Courts.*— (1) To qualify for appointment of Government Pleaders, Public Prosecutors, Additional Government Pleaders, Additional Public Prosecutors, Additional Government Pleader-cum-Additional Public Prosecutors, Assistant Government Pleader-cum-Assistant Public Prosecutors, Assistant Government Pleaders, Assistant Public Prosecutors and Special Public Prosecutors, a person—

- (a) must be an Advocate practicing in the Union territory of Puducherry;
- (b) should be entitled to be admitted as an Advocate under sub-section(1) of section 58-AA of the Advocates Act, 1961 (Central Act XXV of 1981) or entitled to practice before any Court or Revenue Office or before any Authority or person under sub-section(2) of the said section;
- (c) must possess at least seven years practice at the Bar.

Provided that the Government may, in suitable and deserving cases, relax the conditions relating to length of practice; and

- (d) should be in sound health.

(2) No Law Officer shall concede before the Courts for granting of bail to any accused or any question of fact not conceded in the pleadings or any claim against the Government without obtaining previous written permission of an Officer of and not below the rank of Inspector of Police or Under Secretary to Government of the Law Department or the Administrative Department concerned in the Secretariat as the case may be.

27. *Engagement of Senior Counsel.*— (1) In case the Law Officer is of the view that engagement of Attorney General or Solicitor General or Additional Solicitor General or a Senior Counsel specializing in the respective field is necessary, he shall contact the Director/Secretary of the concerned Department in consultation with the Law Department and with the Chief Secretary and seek written approval before proceeding further.

(2) The fees payable to Attorney General or Solicitor General or Assistant Solicitor General shall be on par with the payment of fees fixed by the Government of India.

(3) The fees to Senior Counsel shall be payable with the approval of the Government.

(4) The Senior Counsel (s) already appointed by this Administration before various Courts shall be reviewed periodically in the interest of quick disposal/effective defence of the cases.

28. *Selection Committee.*— (1) The Government shall constitute a Selection Committee consisting of the following Members for Selection of Law Officers, namely,-

- (i) Chief Secretary to Government . . Chairperson
- (ii) Secretary to Government(Personnel) . . Member
- (iii) Secretary to Government(Law) . . Member-Secretary.

In case of non-availability of any Member, the Chief Secretary may appoint suitable officers for the Selection Committee.

(2) The Selection Committee shall call for applications from the eligible persons by wide circulation through Bar Associations and also through notice-boards of the respective Courts.

(3) The Selection Committee shall decide the criteria for selection of advocates to the post of Government Law Officers and in particular, experience, advocacy, legal acumen, quality of drafting and pleadings, reported and unreported judgments, academic background, integrity, etc.

29. *Remuneration to Law Officers.*— (1) The retainer fee/ remuneration payable to the Law Officers of the Court, subordinate to the High Court, Madras, shall be as specified in Schedule-I

(2) The fees payable to the Law Officers appearing before the Courts, subordinate to High Court in respect of the Civil Cases shall be as per the Legal Practitioner's Fees Rules, 1973.

(3) The fees payable to the Prosecutors in respect of their appearance before various Criminal Courts, subordinate to High Court shall be certified by the concerned Court and based on which the payment for their appearance shall be paid as per the Schedule-I.

(4) The retainer and other remuneration payable to a Law Officer of the High Court shall be as specified in Schedule-II.

(5) The Law Officer appointed in the Hon'ble High Court, New Delhi, National Green Tribunal and Central Administrative Tribunal, Principal Bench the payment of fee shall be paid as per the Schedule-III.

(6) The Advocate on Record, Arguing Panel of Advocates and Senior Counsel engaged in Supreme Court of India, the payment of fees shall be paid as per the Schedule-IV.

(7) Filing expenses and Miscellaneous Charges: The Law Officers shall be paid filing charges and miscellaneous expenses actually incurred in the matter of filing before various Courts by producing break up expenses to each item on case to case basis and the concerned Department will make payment in consultation with the Law Department.

(8) The Law Officer(s) shall not be allowed to claim appearance fees per case/batch of cases (batch cases means more than 3 cases), along with Senior Counsel irrespective of number of appearance and conference(s).

(9) In batch of cases (batch cases means more than 3 cases), the Law Officer(s) is entitled to claim fees up to 3 cases irrespective of the number of cases in the batch.

30. *Removal of difficulty.*— If, any doubt or difficulty arises as to the interpretation of any of the provisions of these rules, the decision of the Government thereon shall be the final.

S. KARTHIKEYAN,
Secretary to Government (Law).

SCHEDULE - I

[See sub-rule(2) of rule 29]

1. The retainer fee payable to the Law Officers of the Court, subordinate to the High Court shall be at the rate of - ₹ 5,000 per month.

2. Fees for work done in Criminal Cases

Sl. No.	Cases	Fees (in ₹)
1.	Cases lasting for more than three hours	135
2.	Cases lasting for less than three hours	45 subject to maximum of 100
3.	When the Public Prosecutor is engaged in more than one cases on the same day, maximum fees payable for the whole day shall not exceed	360 (maximum daily fee)
4.	Criminal and Miscellaneous Applications	90
5.	Criminal Appeal and Revision Petitions	90
6.	For each day spent in courts in the outlying regions for conducting criminal cases.	135 (at the ordinary DA rates)

3. Remuneration to Assistant Public Prosecutor

The Assistant Public Prosecutor shall be paid a consolidated monthly sum of ₹ 13,500 per mensem.

4. The fee payable to the Counsel appointed on the victim's choice shall be ₹ 5,000 per case on disposal, but, the Counsel is not entitled for retainer fee and other allowances except expenses towards Typing, Xerox copying, *etc.*

SCHEDULE - II

[See sub-rule (4) of rule 29]

(I) Retainer Fee

(a)	The Government Pleader, High Court, Madras.	₹ 50,000 p.m
(b)	The Public Prosecutor, High Court, Madras.	₹ 50,000 p.m
(c)	The Special Government Pleader (Services), High Court, Madras.	₹ 30,000 p.m
(d)	The Special Government Pleader (Central Administrative Tribunal), Madras Bench.	₹ 30,000 p.m
(e)	The Additional Government Pleaders, High Court, Madras.	₹ 25,000 p.m
(f)	The Additional Public Prosecutors	₹ 25,000 p.m
(g)	The Government Advocates	₹ 15,000 p.m
(h)	Junior Advocate to Government Pleader, High Court, Madras.	₹ 10,000 p.m

(II) Additional Allowances

- (1) Government Pleader, Public Prosecutor and Special Government Pleader (Writs/Central Administrative Tribunal), Madras Bench. >>> ₹ 5,000 p.m
- (2) Other Law Officers, viz., Additional Government Pleader, Additional Public Prosecutor, Including Government Advocates. >>> ₹ 2,500 p.m

Note: The payment of additional allowances to the Law Officers for meeting their essential expenses for sustaining themselves in Chennai on their migration on appointment from the native place, which are more than 100 kms. Further, additional allowances are inclusive of conveyance allowance, residential landline telephone/mobile charges and other incidental charges.

(III) Regulation Fee

(a) Civil Side		
1	Writ Petition	₹ 5,000 per case
2	Writ appeals	₹ 5,000 per case
3	Contempt petition	₹ 5,000 per case
4	Fee for drafting affidavit	₹ 500 per case
(b) Criminal side		
	Appearance fee	₹ 5,000 per case
(c) Service matters		
1	Before Central Administrative Tribunal, Madras Bench.	₹ 5,000 per case
2	Before Division Bench, High Court, Madras	₹ 5,000 per case
<p>(i) Batch cases means more than 5 cases on the same subject.</p> <p>(ii) <i>Miscellaneous Expenses</i>:- as per the actual breakup of the expenses meet out by them subject to a maximum of ₹ 1,000 per case.</p> <p>(iii) In case, Additional Government Pleader/Additional Public Prosecutor/Government Pleader has entered appearance and render assistance to the Government Pleader/Special Government Pleader/Public Prosecutor in their respective 3 office, then the apportionment of fees shall be in the ration of 60:40 (60% for Government Pleader/Special Government Pleader/Public Prosecutor and 40% for Additional Government Pleader/Additional Public Prosecutor/Government Advocate).</p> <p>(iv) The fee per case means on disposal of case</p>		

(IV) Fee for furnishing opinion

- (a) Opinion regarding appeal . . ₹ 750
- (b) Opinion in other matters . . ₹ 500

(V) Filing appeal before the High Court (civil/service matters/ criminal cases, *etc.*,)

- (a) Fees for drafting affidavit along with grounds . . ₹ 3,000
- (b) Fees for condone delay and stay petitions . . ₹ 1,000
(inclusive of affidavit)
- (c) Filing expenses . . ₹ 2,000

(VI) Other appearances

In case the Law Officer is appointed as the counsel by Local Bodies, Government undertakings, Corporations, Societies controlled by the Government, Quasi Government Bodies, *etc.*, the fee shall be paid to him without any liability to apportion among other Law Officers. If, one or more Departments of Government or Government Agency is pleaded as Party in single case, only one appearance fees is allowed and not claimed each Department or Government Agency for same appearance.

(VII) Appearance of Counsel on victim's choice

- 1. ₹ 5,000 per case on disposal
- 2. No retainer fee and other allowances
- 3. Expenses towards Typing, Xerox copying, *etc.*

SCHEDULE - III

[See sub-rule (5) of rule 29]

1. The fees payable to the Law Officers at the Hon'ble High Court of National Capital Territory of Delhi, National Green Tribunal of National Capital Territory of Delhi and Central Administrative Tribunal, Principal Bench, New Delhi.

Appearance fee . . ₹ 5,000 per case
(on final disposal)

2. Fee for drafting reply statement in Original Applications/ Counter Affidavit in Writ Petitions/Service Matter.

. . ₹ 500 per case

3. Fee for furnishing opinion

- (a) Opinion regarding appeal . . ₹ 750
- (b) Opinion in other matters . . ₹ 500

4. Filing appeal before the Hon'ble High Court (civil/service matters/ criminal cases , etc.,)

- (a) Fees for drafting affidavit along with grounds . . ₹ 3,000
- (b) Fees for condone delay and stay petitions (inclusive of affidavit) . . ₹ 1,000
- (c) Court fees . . ₹ 200
(in case of increase, the same shall be paid accordingly).
- (d) Filing expenses . . ₹ 2,000

5. The counsel engaged by Local Bodies, Government Undertakings, Corporations, Societies controlled by the Government, Quasi Government bodies, etc., the fee shall be paid to him, if, more than one Government Agency and Department impleaded as Party in a case, only one appearance fee is allowed and no claim can be made from each Department or Government Agency.

Note: No retainer fee is payable to the abovesaid Counsel.

SCHEDULE-IV

[See sub-rule (6) of rule 29]

Fees for Arguing Palel/Advocate on Record

- (1) The retainer fee payable to the Advocate on Record will be decided by the Committee.
- (2) Advocate on Record may be paid Drafting fee and Court fee as specified in the Supreme Court Rules, 2013. The Advocate on Record shall quote the specific provision of fees mentioned in the Schedule to the Supreme Court Rules for each item of claim.

- (3) Miscellaneous Expenses includes postage, Xerox, Typing and Clerkage, *etc.*:- as per the actual breakup of the expenses met out by him.
- (4) If, the Advocate on Record argues the matter, he may be paid fee on par with the fees payable by the Ministry of Law and Justice, Department of Legal Affairs, Government of India to Group 'A' Panel Counsel.
- (5) Set of cases where a common question of law is involved should not be considered as one for the payment of fee if, the facts are substantially different. However, one drafting fee will be payable in the main case and no separate drafting fee will be payable in connected cases with the same facts.

Arguing Panel

- (1) Arguing Panel shall be engaged by the Advocate on Record from the Panel of Counsels engaged by the Ministry of Law and Justice, Department of Legal Affairs, Government of India, New Delhi and also from the Panel of Counsel appointed by the Government of Puducherry.
- (2) Arguing Panel may be paid fee on par with the fees payable by the Ministry of Law and Justice, Department of Legal Affairs, Government of India to Group 'A', 'B' and 'C' Panel Counsel, accordingly.
